

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 02 2018

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

U.S.A. vs.

Lopez, Sergio Lavelle

Docket No.

2:17CR00101-WFN-13

Petition for Action on Conditions of Pretrial Release

COMES NOW Erik Carlson, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Sergio L Lopez, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge John T. Rodgers, sitting in the Court at Spokane, Washington, on the 19th day of June 2017, under the following conditions:

Standard Condition #9: Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: Sergio Lavelle Lopez is alleged to have tested positive for the presence of marijuana on September 5, 2018.

On June 21, 2017, the conditions of pretrial release supervision were reviewed with Mr. Lopez. He acknowledged an understanding of his conditions, which included standard condition number 9.

On September 5, 2018, Mr. Lopez provided a urine sample that tested presumptively positive for the presence of marijuana. Mr. Lopez admitted that he had been consistently ingesting marijuana since August 2018, with his last use of the substance being approximately 1.5 weeks earlier. Subsequently, the urine sample was sent to Alere Toxicology (Alere) for further analysis.

On September 10, 2018, Alere confirmed the urine sample tested positive for the presence of marijuana. In addition, Alere confirmed the urine specimen was diluted.

Violation #2: Sergio Lavelle Lopez is alleged to have tested positive for the presence of marijuana on September 12, 2018.

On June 21, 2017, the conditions of pretrial release supervision were reviewed with Mr. Lopez. He acknowledged an understanding of his conditions, which included standard condition number 9.

On September 17, 2018, Mr. Lopez provided a urine sample that tested presumptively positive for the presence of marijuana. Mr. Lopez denied ingesting marijuana and stated the presumptive positive result was residual from his use of the substance as reported in violation number 1. Subsequently, the urine sample was sent to Alere Toxicology (Alere) for further analysis.

On September 22, 2018, Alere confirmed the urine sample tested positive for the presence of marijuana.

It should be noted Mr. Lopez provided a urine sample on September 24, 2018, which tested negative for controlled substances, including marijuana.

Re: Lopez, Sergio Lavelle

September 26, 2018

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PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: September 26, 2018

by s/Erik Carlson

Erik Carlson
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☒ No Action
☐ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
☐ Defendant to appear before the Judge assigned to the case.
☐ Defendant to appear before the Magistrate Judge.
☐ Other

L. J. Smith
Signature of Judicial Officer

10/2/18
Date